

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10127 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

JYOTIBEN SARELIYA

Versus

STATE OF GUJARAT

Appearance:

MR MRUGEN K PUROHIT for Petitioner

MR DP JOSHI AGP for Respondent No. 1, 2, 3, 4, 5, 6, 7

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 21/12/98

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. D.P.Joshi, learned Assistant Govt. Pleader appearing for the respondents. On 10th December, 1998, following order was passed :

"Mr. Pandya submits that petitioner has not been a party to the proceeding in question. Besides,

there is a direction of taking possession of the property, one of the plots whereof is held by the petitioner, who did not have any notice of the proceedings. Notice returnable on 21.12.1998.DSP."

Today, Mr. D.P.Joshi, learned Assistant Government Pleader has appeared for the respondents. Mr.Joshi submits that on payment of penalty to be fixed by the learned Deputy Collector after hearing the petitioner, the N.A.Permission shall be resumed. In that view of the matter, it is hereby directed that the amount of penalty shall be fixed after hearing the petitioner. For that purpose, the matter is remanded to the learned Deputy Collector, respondent No. 3. Consequently, the impugned order dated 13th May, 1997 passed by the learned Deputy Collector will stand set aside. Rule is made absolute in these terms with no order as to cost.

21.12.1998. (M.S.Parikh,J.)

Vyas